

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY CALDWELL,

Plaintiff,

No. 13-15283

v.

District Judge Sean F. Cox  
Magistrate Judge R. Steven Whalen

CITY OF SOUTHFIELD, ET AL.,

Defendants.

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**ORDER DENYING APPOINTMENT OF COUNSEL**

On December 23, 2013, Plaintiff Timothy Caldwell, a prison inmate in the custody of the Michigan Department of Corrections, filed a *pro se* civil complaint pursuant to 42 U.S.C. § 1983. Before the Court is his Motion for Appointment of Counsel [Doc. #8].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. At this point, Plaintiff’s motion to appoint counsel is premature. If Plaintiff’s claims ultimately survive dispositive motions, he may renew his motion for appointment of counsel at that time.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion for appointment of counsel [Docket #8] is **DENIED WITHOUT PREJUDICE**.

Dated: March 17, 2014

s/ R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on March 17, 2014, electronically and/or by U.S. Mail.

s/Michael Williams  
Case Manager for  
Honorable R. Steven Whalen